

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 7, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SPECIAL USE PERMIT

SUP-18910 - PUBLIC HEARING - APPLICANT/OWNER: TERRIBLE HERBST, INC. - Request for a Special Use Permit FOR A LIQUOR STORE IN CONJUNCTION WITH AN APPROVED CONVENIENCE STORE WITH FUEL PUMPS on 0.91 acres on the east side of Desert Foothills Drive approximately 280 feet north of Charleston Boulevard (APN 137-34-818-003), P-C (Planned Community) Zone, Ward 2 (Wolfson). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

1

City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

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RECOMMENDATION:

The Planning Commission (6-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Submitted after final agenda – Map and protest letter by Dennis Rosinski
6. Backup referenced from the 02-08-07 Planning Commission Meeting Item 30

Motion made by STEVE WOLFSON to Approve Subject to Conditions amending Conditions 5 and 11, delete Condition 6 and adding the following condition as read for the record:

5. Conformance to the site plan date stamped 3/2/07 and elevation and landscape plans date stamped 12/22/06.

11. The sale of any individual containers less than 22 ounces of beer, wine coolers or screw-cap wine is prohibited. All such product shall remain in their original configuration as shipped by the manufacturer. Further, no repackaging of the containers into groups smaller than the original shipping container size shall be permitted.

A. A six-month review shall be conducted at a public hearing of the City Council. Fees, pursuant to adopted City Council Resolution, for noticing of the public hearing shall be paid by the applicant.

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Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LARRY BROWN, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY KATHY FELLOWS, Jones Vargas, 3773 Howard Hughes Parkway, appeared on behalf of the applicant and indicated the convenience store is located within a developing commercial center. The applicant asked that Condition 6(a) be removed requiring the building be located 200 feet from any single family residence. The applicant has received a minor deviation, which was approved by MARGO WHEELER, Director of Planning and Development Department, so that the building may be located only 192 feet from the closest residence. Additionally, ATTORNEY FELLOWS requested an amendment to Condition 11.

COUNCILMAN WOLFSON verified ATTORNEY FELLOWS' concurrence to prohibit the sale of less than 22 ounces of beer, wine coolers or screw cap alcoholic beverages and a six-month review. He acknowledged that the commercial center and a grocery store is under construction.

MS. WHEELER read into the record amendments to Conditions 5 and 11, the deletion of Condition 6 and an additional condition. ATTORNEY FELLOWS agreed to the amendments and addition.

MAYOR GOODMAN declared the Public Hearing closed.